

REMARKS

The Office Action of March 6, 2009, was received and carefully reviewed. Claims 28-47 were pending prior to the instant amendment. By this amendment, claims 36 and 39 are amended; claims 28-31 are canceled; claims 48-65 are added. Consequently, claims 32-65 are currently pending in the instant application, of which, claims 32-35 and 40-47 are withdrawn. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

In the Office Action, the Examiner objected to the title of the invention as being not descriptive. In view of the above amendments to the specification, Applicant respectfully requests reconsideration and withdrawal of the previous objection to the Specification.

Claims 28-29 were rejected under 35 U.S.C. 102(b) as being anticipated by Atsuhisa et al. (JP 2003-123047). Without conceding the propriety of the rejection, claims 28-29 have been canceled.

Claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Atsuhisa et al. (JP 2003-123047). Without conceding the propriety of the rejection, claim 30 has been canceled.

The Examiner's indication of allowable subject matter with respect to claims 36-39 is gratefully acknowledged.

Newly added claims 48-65 are believed to be allowable over the cited prior art. Independent claims 49, 54, and 60 incorporate aspects of allowable subject matter based on claims 36. Independent claims 49 and 60 are supported in the originally filed specification, at least, in Embodiment Mode 1 and 3, and FIG. 5A and corresponding description. Claims 54 and 60 are supported in the originally filed specification, at least, in paragraph [0210]. Claims 50-52, 55-57, 61-63 are based on claims 37-40. Claims 48, 53, 59, and 65 are

supported in the originally filed specification, at least, for example, in paragraph [0032]. Claims 58 and 64 are supported in the originally filed specification, at least, in paragraph [0210].

In view of the foregoing remarks, this claimed invention, as amended, is not rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this response, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In discussing the specification, claims, and drawings in this response, it is to be understood that Applicant in no way intends to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned patent agent at (202) 585-8316.

Respectfully submitted,

NIXON PEABODY, LLP

/Marc W. Butler, Reg. #50,219/

Marc W. Butler

Registration No. 50,219

NIXON PEABODY LLP
CUSTOMER NO.: 22204
401 9th Street, N.W., Suite 900
Washington, DC 20004
Tel: 202-585-8000
Fax: 202-585-8080